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NIXON & VANDERHYE, PC			ADAMS, GREGORY W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,993	SMITH ET AL.	
	Examiner	Art Unit	
	GREGORY W. ADAMS	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 and 13-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 and 13-23 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 August 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "telescopic material handler" and "additional degrees of freedom provided by movements of...the handler" of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 & 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 3,630,389) (previously cited) in view of Ehmke (US 3,598,263) (previously cited) and Kohnen (DE 3834311 A).

With respect to claims 1-3, Schmidt et al. discloses an attachment for a telescopic material handler enabling support and manipulation of a load, an attachment comprising:

- a gripping system 34 that securely holds a load;
- an operator-controlled control system effecting control of a manipulation assembly;

- wherein a manipulation assembly is pivotable about a first axis 13 generally perpendicular to a ground plane, defining a first degree of freedom, a manipulation assembly comprising a main arm supporting a gripping system, wherein a main arm is pivotable about a second axis 21 generally parallel to a ground plane, defining a second degree of freedom, a manipulation assembly further comprising a panel rotator assembly attached to a main arm via a four bar mechanism, wherein a four bar mechanism pivots a panel rotator assembly about a third axis 30 (or 50) generally parallel to a ground plane and a second axis, defining a third degree of freedom and effecting rotation of a load, wherein a gripping system is rotatable relative to a main arm by a panel rotator assembly about a fourth axis 29 generally parallel to a ground plane and perpendicular to a second and third axes, defining a fourth degree of freedom and effecting rotation of a load about a normal axis, and wherein a gripping system is translatable relative to a main arm, defining a fifth degree of freedom.

Schmidt discloses relative rotation between a gripper and arm and does not disclose a gripping system translatable relative to a main arm.

Ehmke discloses a coupling section 6-7 coupleable with a telescopic material handler 4, 5, a gripping system 47 that is translatable (indicated generally as 10, 11 (or 27, 28) relative to a main arm 4, defining a fifth degree of freedom. Ehmke teaches precise positioning of glass plates without excessive bending which causes breakage. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the apparatus of Schmidt to include Ehmke's translatable gripping system to prevent breakage of building materials during installation.

Kohnen discloses an attachment for a material handler enabling support and manipulation of a load, the attachment comprising:

- a coupling section coupleable with a material handler 10;
- a gripping system 30 that securely holds a load 9;
- a manipulation assembly supporting a gripping system and connected to a coupling section, a manipulation assembly being movable in five degrees of freedom independent from additional degrees of freedom provided by movements of a material handler, wherein
 - a manipulation assembly is pivotable about a first axis S1 generally perpendicular to a ground plane, defining a first degree of freedom,
 - a manipulation assembly comprising a main arm 14 pivotable about a second axis S2 generally parallel to a ground plane, defining a second degree of freedom,
 - a panel rotator assembly attached to a main arm via a bar mechanism 34, wherein a bar mechanism pivots a panel rotator assembly about a third axis S4 (or D3) generally parallel to a ground plane and a second axis, defining a third degree of freedom and effecting rotation of a load,
 - wherein a gripping system is rotatable relative to a main arm by a panel rotator assembly about a fourth axis D1 generally parallel to a ground plane

and perpendicular to second and third axes, defining a fourth degree of freedom and effecting rotation of a load about a normal axis, and wherein a gripping system is translatable (elements 15 & 16 telescope) relative to a main arm, defining a fifth degree of freedom.

With respect to axes that are parallel or perpendicular to a ground surface, Kohnen discloses that this is a relative determination, e.g. axis D2 is parallel to a ground surface in FIGS. 1, 2 and axis D1 is perpendicular, but axis D2 is perpendicular and axis D1 is parallel when gripper 30 is pivoted about axis D3. And, Kohnen's apparatus discloses at least five degrees of freedom S1, S2, S4 (or D3), D1 & 15, 16 which are independent of a coupling section. Kohnen teaches "Safe and economical, needing only a limited number of personnel." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include Kohnen's combination of five degrees of freedom that are independent of a material handler to make safe and economical plate placement.

With respect to claims 14-15, Schmidt et al. discloses a method of manipulating a load, the method comprising:

- holding a load with a gripping system 34;
- supporting a gripping system 34 with a manipulation assembly for movement in at least five degrees of freedom via an operator-controlled control system;
- pivoting a manipulation assembly about a first axis generally perpendicular to a ground plane, defining a first degree of freedom, wherein a manipulation assembly includes a main arm supporting a gripping system, and wherein a

method comprises pivoting a main arm about a second axis generally parallel to the ground plane, defining a second degree of freedom, wherein a manipulation assembly further includes a panel rotator assembly attached to the main arm -via a four bar mechanism, wherein a method comprises pivoting a panel rotator assembly via a four bar mechanism about a third axis generally parallel to a ground plane and a second axis, defining a third degree of freedom and effecting rotation of a load, wherein a method further comprises rotating with a panel rotator assembly a gripping system relative to the main arm about a fourth axis generally parallel to a ground plane and perpendicular to a second and third axes, defining a fourth degree of freedom and effecting rotation of a load about a normal axis; and

Schmidt discloses relative rotation between a gripper and arm and does not disclose translating a gripping system relative to the main arm, defining a fifth degree of freedom.

Ehmke discloses coupling an attachment to a telescopic material handler 4-5 via a coupling section 6-7, translating (indicated generally as 10, 11 (or 27, 28)) a gripping system 47 that is translatable relative to a main arm 4, defining a fifth degree of freedom. Ehmke teaches precise positioning of glass plates without excessive bending which causes breakage. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Schmidt to include Ehmke's translating gripping system to prevent breakage of building materials during installation.

With respect to axes with are parallel or perpendicular to a ground surface, Kohnen discloses that this is a relative determination such that axis D2 is parallel to a ground surface in FIGS. 1, 2 and axis D1 is perpendicular, but axis D2 is perpendicular and axis D1 is parallel when gripper 30 is pivoted about axis D3. And, Kohnen's apparatus discloses at least five degrees of freedom S1, S2, S4 (or D3), D1 & 15, 16 which are independent of a coupling section. Kohnen teaches "Safe and economical, needing only a limited number of personnel." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include Kohnen's combination of five degrees of freedom that are independent of a material handler to make safe and economical plate placement.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke and Kohnen and further in view of Johansson (US 4,878,798).

With respect to claim 4, Schmidt discloses vacuum cups and does not disclose a vacuum pump and reservoir. Johansson discloses a material handling device comprising vacuum cups 22, pump 24 and reservoir 25 which can handle boxes as in the case of special-duty boxes. C1/L35-55. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include a pump and reservoir, as per the teachings of Johansson, to handle special-duty boxes.

Claims 5 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke, Kohnen and Johansson and further in view of Hoffman (US

4,460,208). Schmidt et al. discloses an attachment for a telescopic material handler enabling support and manipulation of a load, an attachment comprising:

- a gripping system 34 that securely holds a load;
- an operator-controlled control system effecting control of a manipulation assembly;
- wherein a manipulation assembly is pivotable about a first axis 13 generally perpendicular to a ground plane, defining a first degree of freedom, a manipulation assembly comprising a main arm supporting a gripping system, wherein a main arm is pivotable about a second axis 21 generally parallel to a ground plane, defining a second degree of freedom, a manipulation assembly further comprising a panel rotator assembly attached to a main arm via a four bar mechanism, wherein a four bar mechanism pivots a panel rotator assembly about a third axis 30 (or 50) generally parallel to a ground plane and a second axis, defining a third degree of freedom and effecting rotation of a load, wherein a gripping system is rotatable relative to a main arm by a panel rotator assembly about a fourth axis 29 generally parallel to a ground plane and perpendicular to a second and third axes, defining a fourth degree of freedom and effecting rotation of a load about a normal axis, and wherein a gripping system is translatable relative to a main arm, defining a fifth degree of freedom.

Schmidt discloses relative rotation between a gripper and arm and does not disclose a gripping system translatable relative to a main arm.

Ehmke discloses a coupling section 6-7 coupleable with a telescopic material handler 4, 5, a gripping system 47 that is translatable (indicated generally as 10, 11 (or 27, 28) relative to a main arm 4, defining a fifth degree of freedom. Ehmke teaches precise positioning of glass plates without excessive bending which causes breakage. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include Ehmke's translatable gripping system to prevent breakage of building materials during installation.

Kohnen discloses an attachment for a material handler enabling support and manipulation of a load, the attachment comprising:

- a coupling section coupleable with a material handler 10;
- a gripping system 30 that securely holds a load 9;
- a manipulation assembly supporting a gripping system and connected to a coupling section, a manipulation assembly being movable in five degrees of freedom independent from additional degrees of freedom provided by movements of a material handler, wherein
- a manipulation assembly is pivotable about a first axis S1 generally perpendicular to a ground plane, defining a first degree of freedom,
- a manipulation assembly comprising a main arm 14 pivotable about a second axis S2 generally parallel to a ground plane, defining a second degree of freedom,

- a panel rotator assembly attached to a main arm via a bar mechanism 34, wherein a bar mechanism pivots a panel rotator assembly about a third axis S4 (or D3) generally parallel to a ground plane and a second axis, defining a third degree of freedom and effecting rotation of a load,
- wherein a gripping system is rotatable relative to a main arm by a panel rotator assembly about a fourth axis D1 generally parallel to a ground plane and perpendicular to second and third axes, defining a fourth degree of freedom and effecting rotation of a load about a normal axis, and wherein a gripping system is translatable (elements 15 & 16 telescope) relative to a main arm, defining a fifth degree of freedom.

With respect to axes with are parallel or perpendicular to a ground surface, Kohnen discloses that this is a relative determination such that axis D2 is parallel to a ground surface in FIGS. 1, 2 and axis D1 is perpendicular, but axis D2 is perpendicular and axis D1 is parallel when gripper 30 is pivoted about axis D3. And, Kohnen's apparatus discloses at least five degrees of freedom S1, S2, S4 (or D3), D1 & 15, 16 which are independent of a coupling section. Kohnen teaches "Safe and economical, needing only a limited number of personnel." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include Kohnen's combination of five degrees of freedom that are independent of a material handler to make safe and economical plate placement.

Hoffman discloses two independent circuits (indicated generally as 13, 15) and reservoirs 21, 23 such that a "failure of a line or vacuum cup in either pair has no

adverse effect on the vacuum in the other pair and the object is still firmly held." C2/L65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus Schmidt to include two independent circuits, as per the teachings of Hoffman, for redundant vacuum connection to prevent dropping of an article.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke, Kohnen, Johansson and Hoffman and further in view of Tanaka (US 5,690,377). Tanaka discloses independent circuits including a manifold valve 37, 39 that separate a respective vacuum reservoir from a vacuum pump 40 to vacuum chuck articles of different sizes. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Ehmke to include manifold valves for each circuit, as per the teachings of Tanaka, to lift articles of different sizes.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke, Kohnen, Johansson, Hoffman and Tanaka and further in view of Bolotin et al. (US 6,467,824). Bolotin discloses a vacuum switch 145-148 that measures a vacuum level, an attachment further comprising a first signal coupled with a vacuum switch, a first signal indicating that sufficient vacuum has been achieved. Bolotin teaches a fail-safe pick and place unit and system in the event of a pick and place system failure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to

include vacuum switches, as per the teachings of Bolotin et al., to send a signal at failure.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke, Kohnen, Johansson, Hoffman, Tanaka and Bolotin et al. and further in view of Movsesian (US 5,413,454) and Lang (US 5,142,803).

Movsesian discloses adding radio transmitters to an attachment for a telescopic material handler enabling support and manipulation of a load comprising an operator-controlled control system comprises a primary radio transmitter 152 and a secondary radio transmitter 12, and wherein control of a load is transferable between a primary and secondary radio transmitters which allows wheel-chair bound individuals to operate a material handler. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include radio transmitters, as per the teachings of Movsesian, for operation by wheelchair bound individuals.

Lang discloses a primary radio transmitter 310 and a secondary radio transmitter 312 (or 222) which allows for added complexities of movement in the same controlled device such as in the movie industry where complex movements of a single animated character is required. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include primary and second radio transmitters, as per the teachings of Lang, for control by two transmitters of a single apparatus performing complex movements.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke, Kohnen and Johansson and further in view of Holter (US 6,082,080). Holter discloses a grip 170 and a clamp 100, 106 to grip articles and then subsequently place pallets prior to placement of articles by said clamp on said pallet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include a grip and clamp on the same apparatus, as per the teachings of Holter, for placing pallets prior to stacking goods.

Claims 13 & 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke and Kohnen and further in view of Movsesian and Lang.

Movsesian discloses adding radio transmitters to an attachment for a telescopic material handler enabling support and manipulation of a load comprising an operator-controlled control system comprises a primary radio transmitter 152 and a secondary radio transmitter 12, and wherein control of a load is transferable between a primary and secondary radio transmitters which allows wheel-chair bound individuals to operate a material handler. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include radio transmitters, as per the teachings of Movsesian, for operation by wheelchair bound individuals.

Lang discloses a primary radio transmitter 310 and a secondary radio transmitter 312 (or 222) which allows for added complexities of movement in the same controlled device such as in the movie industry where complex movements of a single animated character is required. Therefore, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to modify the apparatus of Schmidt to include primary and second radio transmitters, as per the teachings of Lang, for control by two transmitters of a single apparatus performing complex movements.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke and Kohnen and further in view of Bolotin et al. Bolotin discloses a vacuum switch 145-148 that measures a vacuum level, an attachment further comprising a first signal coupled with a vacuum switch, a first signal indicating that sufficient vacuum has been achieved. Bolotin teaches a fail-safe pick and place unit and system in the event of a pick and place system failure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include vacuum switches, as per the teachings of Bolotin et al., to send a signal at failure.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Ehmke and Kohnen and further in view of Holter. Holter discloses a grip 170 and a clamp 100, 106 to grip articles and then subsequently place pallets prior to placement of articles by said clamp on said pallet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Schmidt to include a grip and clamp on the same apparatus, as per the teachings of Holter, for placing pallets prior to stacking goods.

Response to Arguments

Applicant's arguments filed Sept 16, 2008 have been fully considered but they are not persuasive. The amendments have been addressed in the rejections above.

Ehmke discloses coupling an apparatus as claimed to a telescopic material handler. The amendment to have a manipulation assembly with five degrees of freedom independent from a material handler is disclosed in the cited prior art. For example, regardless of the number of degrees of freedom for a mainpulation apparatus, Ehmke discloses that attachments can be added to fork lifts with claims 6-7. Thus, a skilled artisan could use any apparatus which has five degrees of freedom, i.e. Kohnen's, and attach it to a forklift because Kohnen discloses mounting to a flat surfaced material handler 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory W Adams/
Primary Examiner, Art Unit 3652